

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IFTIKHAR AHMAD,

Plaintiff,

-against-

HARTFORD LIFE AND ACCIDENT
INSURANCE COMPANY,

Defendants.
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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: July 5, 2011

10 Civ. 4545 (PAC)

ORDER

HONORABLE PAUL A. CROTTY, United States District Judge:

In its Order filed on May 9, 2011, the Court sustained Defendant's objection to Plaintiff's request for the production of 80 reports prepared by Drs. Eaton and Podrid because the Court determined that such a production would be unduly burdensome. Plaintiff sought the reports of Drs. Eaton and Podrid to establish that they were not truly independent and that Hartford was arbitrary and capricious in relying on their reports. Although the Court sustained Defendant's objection, the Court required that Defendant submit a summary chart regarding the 80 requested reports so that the Court could reconsider Defendant's objection in light of the fact that a conflict of interest is "a factor in determining whether the plan administrator has abused his discretion in denying benefits." Metropolitan Life Ins. Co. v. Glenn, 554 U.S. 105, 108 (2008).

On June 23, 2011, Defendant submitted the aforementioned summary chart. Upon review of the chart, the Court finds that a substantial number of claims were approved — not denied — based on the analyses by Drs. Eaton and Podrid. Accordingly, the Court determines that

Plaintiff's assertion of conflict of interest does not overcome the undue burden of producing the 80 reports. Defendant's objection to producing the requested 80 reports is, therefore, sustained.

Dated: New York, New York
July 5, 2011

SO ORDERED

A handwritten signature in black ink, appearing to read "Paul A. Crotty", is written over a horizontal line.

PAUL A. CROTTY
United States District Judge